



Xavier Becerra
Attorney General of California
Office of the Attorney General
1300 "I" Street
Sacramento, CA 95814-2919

March 14, 2019

Dear Attorney General Becerra:

The American Civil Liberties Union Foundation of Southern California (“ACLU SoCal”) has conducted a yearlong investigation of conditions inside three Orange County emergency homeless shelters. The investigation has uncovered a dangerously unregulated emergency shelter system that subjects shelter residents to toxic living conditions, abuse, and discrimination. Today we publish a report outlining our findings and recommendations for reform and we enclose a copy of the report with this letter for your review. The abuse and discrimination detailed in the report require your immediate attention and action. We call on the Office of the Attorney General’s Civil Rights Enforcement Section to initiate an independent investigation into the findings of our report and bring all necessary law enforcement action against perpetrators of abuse and discrimination.

Residents and staff of the shelters we examined reported rampant sexual harassment of female residents by male staff, persistent discrimination against people with disabilities, routine verbal and physical abuse of residents, elder neglect, suppression of freedom of expression and movement, and retaliation against those who try to assert their rights. This abuse and discrimination is unacceptable in a county-run social service setting, and violates the Fair Employment and Housing Act, the Unruh Civil Rights Act, the Ralph Civil Rights Act, the Tom Bane Civil Rights Act, as well as the federal Fair Housing Act, the Civil Rights Act of 1964, and the Americans With Disabilities Act.

The widespread violations revealed by the investigation are especially troubling given the extreme vulnerability of the population the emergency shelter system serves. Shelter residents, many of whom are among the most economically disadvantaged, elderly, and disabled people in our communities, often have no alternative to living in shelters and no recourse when the shelters violate their rights and abuse them. Immediate action by the Attorney General’s Civil Rights Enforcement Section is warranted to ensure that the county and its shelter operators are held accountable to the highest possible standards when serving this vulnerable population.

We call on the Attorney General’s Civil Rights Enforcement Section to use its authority to initiate an investigation, and take a proactive role in bringing to light the civil rights violations

Executive Director Hector O. Villagra

Chair Shari Leinwand **Vice Chair** Sherry Frumkin

Chairs Emeriti Danny Goldberg Allan K. Jonas* Burt Lancaster* Irving Lichtenstein, MD* Jarl Mohn Laurie Ostrow* Stanley K. Sheinbaum* Stephen Rohde

*deceased

that currently go unchecked inside Orange County emergency shelters. We urge you, Attorney General Becerra, to act in your capacity as California's chief law officer to prosecute those who perpetrate abuse and discrimination against people experiencing homelessness.

Summary of our findings

Our report, *"This Place is Slowly Killing Me": Abuse and Neglect in Orange County Emergency Shelters*, is based on more than 70 first-person interviews with residents, staff, and shelter volunteers at three facilities — the Courtyard Transitional Center and SAFEPlace in Santa Ana, and Bridges at Kraemer Place in Anaheim. Our investigation finds that conditions at these shelters are inhumane and violate the civil and human rights of residents living in them:

- **Unsafe and unsanitary living conditions:** Residents are forced to endure conditions that jeopardize their health and well-being, including exposure to rain, flooding, and raw sewage; decrepit and unsanitary shower and restroom facilities; too few showers and toilets for the number of residents; a lack of soap and other cleaning products; infestations of rodents, maggots, and insects; and lack of temperature control. These conditions turn the shelters into breeding grounds for communicable diseases and put residents at imminent risk of harm. The living conditions we uncovered violated the State Housing Law, and the Orange County Municipal Code, as well as the standards set forth for emergency shelters by the United States Department of Housing and Urban Development.
- **Discrimination and abuse:** Residents, volunteers and staff members reported discrimination against people using the shelters based on disability, age, sex, and race.
 - People seeking homeless services were turned away or evicted due to their disabilities, and denied reasonable accommodations.
 - Female residents were subjected to incessant degrading comments about their bodies and sexual advances by staff, including quit pro quo sexual harassment. We also uncovered policies that segregate transgender residents in separate sleeping areas.
 - Residents of color endured racial epithets and disparate treatment from staff.
 - Elderly residents were neglected and allowed to deteriorate until their health became a dire emergency.
 - Residents also reported widespread physical and verbal abuse by emergency shelter staff as a means of enforcing discipline and exerting power and control over residents.

This systemic abuse violates a variety of federal, state and local civil rights laws, including but not limited to: the federal Fair Housing Act, the Civil Rights Act of 1964, the Americans With Disabilities Act, the Unruh Civil Rights Act, the Fair Employment and Housing Act, the Ralph Civil Rights Act, and the California and United States constitutions.

- **Suppression of constitutionally protected freedom of expression:** Residents of the shelters we examined reported that they have been denied their fundamental right to express themselves without threat of reprisal, including when they seek to redress abuse or substandard conditions inside emergency shelters. In one instance residents were threatened with eviction after they spoke out at a Board of Supervisor's meeting. Other

examples include total bans of taking photographs and video inside the shelters, preventing residents from documenting living conditions and treatment that threaten their well-being. Residents of homeless shelters are no less entitled to free speech protections than those with homes. Yet this report details shelter policies and practices that systematically strip residents of their fundamental right to express themselves without reprisal, and to document abuse and substandard conditions inside public emergency shelters. Residents are intimidated out of exercising their rights through threat of eviction in violation of the Tom Bane Civil Rights Act and retaliated against when they do stand up against abuse.

- **Deprivation of fundamental rights without due process:** We found evidence that shelter staff steal, confiscate, and destroy residents' property, curtail their freedom of movement and expression, and subject them to sanctions (up to and including eviction) arbitrarily and without due process. These policies and practices deprive residents of their fundamental rights protected by both the California and United States Constitutions.
- **Impunity and lack of accountability:** Residents reported the lack of effective means to hold staff accountable for violating their rights. Existing grievance procedures are ineffective and residents are not provided clear information or access to those procedures. To the extent that grievance procedures do exist, some residents fear the very real possibility of reprisal for making use of them. This vacuum of accountability enables shelter operators and staff to engage in a wide range of misconduct with apparent impunity.

Immediate System-Wide Reforms Required

ACLU SoCal's report demonstrates the need for urgent and far-reaching reforms to protect the health and safety of people using Orange County's emergency shelters. The pervasiveness of the problems we uncovered suggests that bad systems, not bad apples, are behind the mistreatment of shelter residents. It is a mistake to assume that closing down violators and opening new shelters will solve the problem. To protect the health, mental health and dignity of shelter residents throughout the growing shelter system, the Office of the Attorney General should open an investigation into the findings of our report, initiate law enforcement actions against violators, and require the county to establish and implement systemic reforms that will hold all shelters to the highest possible standards.

ACLU SoCal makes ten critical recommendations to address the civil and human rights violations that currently go unchecked in the shelters we investigated.

- **Recommendation #1:** Establish uniform health and safety standards for all shelters and hold shelter operators accountable to those high standards.
- **Recommendation #2:** Establish an Orange County Office of Civil Rights and Oversight Board.
- **Recommendation #3:** Create a countywide reasonable accommodation policy to protect shelter residents with disabilities.
- **Recommendation #4:** Establish policies to refer residents to higher levels of care when appropriate.

- **Recommendation #5:** Create a system for secure storage of personal property and eliminate policies that limit freedom of movement.
- **Recommendation #6:** Create a system of due process for admission denials, evictions, and other sanctions.
- **Recommendation #7:** Safeguard protected speech in emergency shelters.
- **Recommendation #8:** Prohibit sweeping bans on residents taking photographs, video, or audio recordings inside the shelter facilities.
- **Recommendation #9:** Create a safe and confidential whistleblower policy for employees and residents of emergency shelters.
- **Recommendation #10:** Create meaningful opportunities for democratic participation in shelter operations by residents.

We urge you, Attorney General Becerra, to stand with ACLU SoCal in demanding that Orange County implement these reforms immediately to create a humane emergency shelter system. We have also forwarded our findings to the Department of Fair Employment and Housing (DFEH), the California Department of Housing and Community Development (CDHCD), and the Homeless Coordinating and Finance Council, asking that they too investigate our findings and take appropriate enforcement action. We look forward to collaborating with all relevant state enforcement agencies to address the urgent issues we uncovered in Orange County emergency shelters.

While our report concentrates on the emergency shelter system in Orange County, we do not advocate for an expansion of the shelter system; even the best-run, accountable, and safe shelter system cannot end homelessness. To address the humanitarian crisis presented by homelessness, every county must develop sufficient affordable and permanent supportive housing for all those who need it. Orange County has the resources to do this. All it lacks is the political will. But while those in dire need wait for the county to develop enough affordable housing, they must have safe and habitable interim options. ACLU SoCal urges the Office of the Attorney General to launch an independent investigation into the abuse and discrimination we have uncovered, and require Orange County to adopt the recommendations detailed in our report to ensure that it provides safe and humane emergency services to people experiencing homelessness.

Sincerely,



Julia Devanthery
Dignity for All Staff Attorney*



Eve Garrow
Homelessness Policy Analyst and Advocate
Dignity for All Project
ACLU of Southern California

*Not admitted in California; admitted to practice law in Massachusetts and selected Federal Courts